

North Smithfield Zoning Board of Review
January 13, 2015, 7:00pm
Kendall Dean School
83 Green St., Slatersville, RI

The Chair called the meeting to order at 7:05 pm.

1. Roll Call

Present: Chair William Juhr, Vice Chair Steve Scarpelli, Scott Martin, Paul Pasquariello, Mario DiNunzio, Vincent Marcantonio, and Robert Najarian. Also present was Town Solicitor David Igliozi and Building and Zoning Official Robert Benoit. Asst. Town Solicitor Stephen Archambault was absent.

2. Mr. Juhr made disclosure of no compensation or pension credits are received by the board members.

3. Approval of minutes, September 23, 2014.

Mr. Marcantonio made a motion to approve the minutes of September 23, 2014. Mr. Scarpelli seconded the motion, with all in favor.

4. Mr. DiNunzio was reappointed to a 5 year term, Mr. Marcantonio was reappointed as 1st alternate, and Mr. Najarian was reappointed as 2nd alternate.

Election of Officers: Nominations for 2015 Chairman: Mr. Scarpelli nominated Mr. Juhr, seconded by Mr. Marcantonio. Nominations were closed. Roll call vote was as follows: YES: Mr. Scarpelli, Mr. Marcantonio, Mr. Martin, Mr. DiNunzio, Mr. Pasquariello, Mr. Najarian, Mr. Juhr. Motion passed unanimously, with a vote of 7-0.

Nominations for the Vice Chairmanship for the 2015 zoning board: Mr. DiNunzio nominated Mr. Scarpelli, seconded by Mr. Marcantonio. Nominations were closed. Roll call vote was as follows: YES: Mr. DiNunzio, Mr. Marcantonio, Mr. Pasquariello, Mr. Martin, Mr. Najarian, Mr. Scarpelli and Mr. Juhr. Motion passed unanimously, with a vote of 7-0.

Nominations for the Secretary: Mr. Scarpelli nominated Mr. Martin, seconded by Mr. DiNunzio. Nominations were closed. Roll call vote was as follows: YES: Mr. Scarpelli, Mr. DiNunzio, Mr. Pasquariello, Mr. Najarian, Mr. Marcantonio, Mr. Juhr, and Mr. Martin. Motion passed unanimously, with a vote of 7-0.

5. Vote to approve the denial of the written decision regarding the application of the Town of North Smithfield, owner, along with North Smithfield School Department, Applicant, requesting a Special Use Permit from Section: 5.4.12. Sub Section: 2 of the Zoning Ordinance. Locus is Greenville Road, Plat 15, Lot 44, Zoning District: Rural Residential.

A motion was made by Mr. Scarpelli, seconded by Mr. Marcantonio, to approve the written decision regarding the Town of North Smithfield, owner, along with North Smithfield School Department denying the Special Use Permit. Roll call vote was as follows: YES: Mr. Juhr, Mr. Scarpelli, Mr. Martin, Mr. Pasquariello, and Mr. DiNunzio. Motion passed, with 5-0.

6. Application of Michael F. Bartomioli, III and Lindsay J. Bartomioli, requesting a dimensional variance from section 5.5, subsection 5.5.1 to construct an addition to existing residential structure "District Dimensional Regulations." Locus is 59 Main Street, Slatersville, Plat 4, Lot 93. Zoning District: RU-20.

Mr. Juhr reviewed the Exhibits.

P1) Town of North Smithfield application for certificate of zoning compliance, left hand corner dated 11/6/14, 1 page, right hand corner date issued Nov. 24, 2014 stamped Denied by Zoning Official.

P2) Application for Hearing before Zoning Board of Review, 1 page, Application No: ZC-2014-68 dated 11/9/14 for Dimensional Variance.

P3) Abutters List (17 abutters) for Plat 4 Lot 93 dated September 23, 2014, 2 pages.

P4) Letter from Building Official dated October 28, 2014, to the applicant, Mr. Michael Bartomioli, denying a request for a building permit and to appear before the Zoning Board of Review for a variance, 1 page.

P5) Radius Map, AP 4, Lot 93, stamped by Marc N. Nyberg Associates, Inc., registered Professional Land Surveyor, dated 9/23/14.

P6) Sketch/drawing of the land with living area in the middle, identification N67°04 on right hand corner, no date, 1 page, shows proposed addition.

P7) Drawing, 3 pages, labeled S-1 Overall View, S-2 Enlarged View/Roof Plan, S-3 existing basement, left hand corner drawn by MFB, checked by LJB, dated 9/28/14.

P8) Site Plan, Plat 4, Lot 93, stamped by Marc N. Nyberg Associates, Inc., registered Professional Land Surveyor, dated 9/22/14.

Michael Francis Bartomioli, III was sworn in. The address is 59 Main Street, Slatersville. The house was built in 1933. Mr. Bartomioli purchased the starter home in 2010, small lot under 10,000 sf, three bedrooms, one bathroom on second floor. Addition is a proposed ½ bathroom on first floor – grandparents are elderly and want the home to be a family environment also will be relocating the washer and drier from the basement to the ½ bathroom. P-8 – shows landlocked, shares driveway with neighbor, Cynthia Jones.

Mr. Bartomioli stated the property is located on the land side and has sewers. The setback is 20' and many of the older homes do not conform. Discussion about placing the addition on the back

of the house but applicant states there is too much of a liability with the shared driveway. Mr. DiNunzio is looking at P-6, and the option of placing the addition behind the pantry near the stairway. Applicant stated the addition would cut off the right bay with the garage in the back of the house and would encroach part of the shared driveway. Dimension of stairway including the steps – platform and two steps (3’ platform plus two steps is about 5 feet) – if applicant would place the addition where the stairs are – the applicant feels the end user would destroy the shared portion of the abutter. The shared driveway is not in the deed – more of a verbal.

Mr. Juhr said the applicant is already using 5’ of variance and there is only 20’ – Main Street has small lots. Mr. Najarian suggested to the applicant that he come back with another drawing posing 2 options based on the rules and regulations set before them. Mr. Bartomioli said it is unfortunate that the cost does not justify the end result and he would not pursue another drawing from Mr. Nyberg since the cost would be \$1,000 for the drawings, \$1,000 for this meeting and additional \$1,000 for additional meeting. Mr. Scarpelli looked at Google Earth – applicant still has more room on the side than many other neighbors.

Mr. Benoit has been to the site and looking at P-6, the left arrow near the pantry, the basement stairway, there is no other way to get into basement. If the applicant were to put the addition in the back as the Board suggested, it would encroach the driveway and they would not be able to use it. The best area is where Mr. Bartomioli indicated on the site drawing and the structure would be quite a distance from neighbor’s residence to the right.

Mr. Bartomioli spoke with neighbor, Cynthia Jones, in person and they have no problem with this project. There are no abutters in attendance. Mr. Juhr closed the hearing for testimony. Mr. DiNunzio said Mr. Benoit did a good job of reaffirming the location of the addition as stated in the site plan as the best location for this project.

A motion was made by Mr. DiNunzio, seconded by Mr. Pasquariello, to approve the application by Michael F. Bartomioli, III and Lindsay J. Bartomioli requesting a dimensional variance. Roll call vote was as follows: YES: Mr. DiNunzio, Mr. Pasquariello, Mr. Scarpelli, Mr. Martin and Mr. Juhr. Motion passed unanimously, with a vote of 5-0.

7. 2015 ZBR Regular Meeting Schedule – scheduled the second and fourth Tuesday of every month.

Mr. Benoit stated he would be retiring the end of January and introduced Mr. Jim Cambio, the new Building Official and Carl Johnson, part-time Zoning Inspector.

Mr. Martin made a motion to adjourn at 7:45 p.m. Mr. Scarpelli seconded the motion, with all in favor.

Submitted by Diane Agostini